

JUL 21 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

BARBARA T. DONALD,

*Plaintiff,*

v.

BWX TECHNOLOGIES, INC.,

*Defendant.*

CIVIL No. 6:09CV00028

**ORDER**

JUDGE NORMAN K. MOON

This matter is before the Court on the Motion to Dismiss (docket no. 5) filed by Defendant Babcock & Wilcox Nuclear Operations Group, Inc. ("B&W"). For the reasons set forth in the accompanying Memorandum Opinion:

1. B&W's Motion to Dismiss Count I is **GRANTED**. Count I is **DISMISSED WITHOUT PREJUDICE** to Donald's ability to amend her Complaint within **twenty (20) days** of the date of entry of this Order.

2. B&W's Motion to Dismiss Count III is **GRANTED**, with prejudice. Count III is accordingly **DISMISSED**.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 21<sup>st</sup> day of July, 2009.

*[Signature: Norman K. Moon]*  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE